

Remarks:

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of Applicants' claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application is respectfully requested.

Claims 9, 10, 12 - 15 and 17 - 22 are presently pending in the application. Claim 9 has been amended. Claims 1 - 8 were previously canceled. Claims 11 and 16 have been canceled herein. New claims 17 - 23 have been added.

In item 2 of the above-identified Office Action, the specification was objected to on the basis of an informality. The Examiner's suggested amendment has been made.

In item 4 of the above-identified Office Action, claims 9 - 16 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 5,841,087 to Fuchsle et al ("FÜCHSLE"). In item 5 of the Office Action, claims 9 - 16 were additionally rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 6,784,392 to Piazza et al ("PIAZZA").

Applicants respectfully traverse the above rejections.

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First, in the event that the present rejection under the **FÜCHSLE** reference is maintained in the next Office Action, Applicants respectfully request clarification of the particulars of that rejection. More particularly, it appears that the detailed rejection of claim 9 on pages 2 - 3 of the Office Action (but for the first "axis" limitation rejected over an axis through item 7 of **FÜCHSLE**) was erroneously supercopied from the rejection of claim 9 made under the **PIAZZA** reference and appearing on page 4 of the Office Action.

For example, page 3 of the Office Action analogized the element 94 of Fig. 4 of **FÜCHSLE** to Applicant's particularly claimed switching piece or element moved at an angle relative to said axis. However, **FÜCHSLE** does not include any element numbered as 94, in Fig. 4 or otherwise. Similarly, page 2 of the Office Action analogized Applicants' claimed switch-disconnector module to element 100 of **FÜCHSLE** and its electrically conductive housing to element 99 of **FÜCHSLE**. However, the **FÜCHSLE** reference does not recite either an element 99 or 100. The rejection of claim 9 under **FÜCHSLE** additionally points to element 2 of **FÜCHSLE** as corresponding to Applicants' particularly claimed phase conductor extended along an axis. However, item number 2 of **FÜCHSLE** references the isolating switch metal housing. See for example, col. 2 of **FÜCHSLE**, lines 42 - 51.

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As such, Applicants are unclear which portions of FÜCHSLE are being asserted against the elements of Applicants' claim 9 in the Office Action. As stated above, in the event that the rejection under FÜCHSLE is maintained in a future Office Action, Applicants respectfully request further clarification of the particular rejection being made. Absent such clarification, Applicants cannot see how the FÜCHSLE reference is being applied to the presently claimed invention. Rather, Applicants have reviewed the FÜCHSLE reference, and believe that claim 9 is patentable over FÜCHSLE. More particularly, claim 9 recites, among other limitations:

an axis;

a phase conductor extended along said axis and to be interrupted by an isolating gap into a first section and a second section; [emphasis added by Applicants]

Applicants' new claim 17 recites similar limitations, among others. As such, among other limitations, Applicants' claims require a phase conductor, extending along an axis, being split into a first section and a second section by an isolating gap (i.e., each of the first and second sections extending along the axis). See, for example, elements 7, 8 and 11 of Fig. 1 of the instant application. It appears from page 2 of the Office Action, that the axis "along insulator 7,

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Figures 2, 5" of **FÜCHSLE** was intended to be analogized to the axis of Applicants' claims. However, **FÜCHSLE** does not teach or suggest a phase conductor along an axis, (even along the axis pointed to in the Office Action) that is split into two sections (i.e., interrupted) by an isolating gap. The Office Action then analogizes the housing 2 of **FÜCHSLE** to Applicants' particularly claimed phase conductor interrupted by an insulating gap into first and second sections. Applicants respectfully disagree. In particular, col. 2 of **FÜCHSLE**, lines 48 - 50 describe a ground potential for the housing 2. Ground potential is the exact opposite of a phase conductor of a switching device, which is electrically insulated from the ground potential. Otherwise, the transfer of electric current over the phase conductor would be entirely impossible (short circuit). Applicants also fail to see any other elements of **FÜCHSLE** that are located along the axis identified in the Office Action and which form first and second parts of a phase conductor interrupted by an isolating gap.

As such, among other limitations of Applicants' claim 9, **FÜCHSLE** fails to teach or suggest a phase conductor, first and second parts of which extend along an axis and which are split by an isolating gap. For the foregoing reasons, among others, Applicants' claims are believed to be patentable over the **FÜCHSLE** reference.

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Further, Applicants' have amended claim 9 to include the limitations of Applicants' former claim 11, now canceled.

Applicants' amended claim 9 recites, among other limitations:

a switch-disconnector module having an electrically conductive housing, **said electrically conductive housing being substantially cylindrical**;

. . . .

a switching piece or an element of a multi-part switching piece to be moved at an angle relative to said axis, **said switching piece being driven by a shaft passing through said substantially cylindrical electrically conductive housing.** [emphasis added by Applicants]

Similarly, Applicants' new claim 17 has been amended to recite, among other limitations:

a switch-disconnector module having an electrically conductive housing, **said electrically conductive housing being substantially cylindrical and including an outer wall**;

. . . .

a switching piece or an element of a multi-part switching piece to be moved at an angle relative to said axis, **said switching piece being driven by a shaft passing through the outer wall of said electrically conductive housing.**

Applicants' new claim 17 is supported by the specification of the instant application, including former claim 16, originally filed claim 8, Figs. 1, 2 and 3 of the instant application and page 8 of the instant application, lines 16 - 18. As such,

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all of Applicants' amended claims require, among other limitations, a substantially cylindrical, electrically conductive, housing through which passes a shaft that drives a movable switching piece. Applicants' new independent claim 17 additionally requires that the shaft pass through the outer wall of the housing, as formerly required by Applicants' claim 16.

Contrary to Applicants' claimed invention, the PIAZZA reference discloses a gas-insulated switchgear device including a spherical enclosure 99. See, for example, col. 3 of PIAZZA, lines 19 - 25, which state:

In the device according to the invention, a first disconnection unit 100 is used between the input bushing 40 and the enclosure 1, at the base of the bushing 40 itself. As shown in detail in FIGS. 3 and 4, the disconnection unit 100 comprises an enclosure 99 which has a substantially spheroidal central portion and two mutually opposite ends 97 and 98 which are structurally connected to the enclosure 1 and to the first bushing 40, respectively. [emphasis added by Applicants]

See also, for example, col. 3 of PIAZZA, line 61 - col. 4, line 2, which states:

Another advantage of this solution consists of the fact that the disconnection unit 100, being arranged inside a containment enclosure, is in a position in which it is protected against atmospheric agents, thus allowing to reduce the necessary maintenance interventions; furthermore, the substantially spheroidal shape of the enclosure 99 allows to optimize the distribution of the electric field inside

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said disconnection unit 100, without requiring cumbersome constructive elements. [emphasis added by Applicants]

As such, the enclosure 99 of **PIAZZA** is **substantially spheroidal** in shape, in contrast to Applicants' claimed invention which requires a substantially cylindrical enclosure. Additionally, the particular spheroidal shape of the enclosure of **PIAZZA** is part of the invention, providing features taught to be particularly desired in **PIAZZA** (i.e., "the substantially spheroidal shape of the enclosure 99 allows to optimize the distribution of the electric field inside said disconnection unit 100"). As such, any attempt to modify the teachings of **PIAZZA** to change the spheroidal shape of the enclosure 99 would impermissibly destroy the teachings of the **PIAZZA** reference.

Compared to the spheroidal shape of the housing described in **PIAZZA**, Applicants' claimed cylindrical housing has the advantages that a simplified cast body can be used with the entire configuration including the electrically insulating housing and the electrically conductive housing extending coaxially to the axis. Additionally, using a cylindrical electrically conductive housing, as claimed by Applicants, avoids the bulging, which occurs when using a spheroidally shaped housing, as taught in **PIAZZA**. As such, Applicants'

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claimed invention further results in a slimmer structure of the entire configuration.

Nothing in **PIAZZA** would teach, suggest or motivate a person of ordinary skill in this art to provide a cylindrical configuration of the electrically conductive housing, especially since a spheroidal shape dielectrically offers nearly ideal conditions. For example, a small ball surface ensures a large reception volume in the inside of the ball and, thereby, a nearly equal distance to the electrically conductive housing in all directions, starting out from the electrically active parts, and thus a good electrical stability. Additionally, as stated above, changing the shape of the enclosure 99 of **PIAZZA** would destroy the teachings of **PIAZZA**.

For the foregoing reasons, among others, Applicants' amended claims are patentable over **PIAZZA**, as well.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 9 and 17. Claims 9 and 17 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 9 or 17.

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In view of the foregoing, reconsideration and allowance of claims 9, 10, 12 - 15 and 17 - 22 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



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May 6, 2008

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